

**THE COMMON COUNCIL OF THE CIVIL CITY OF NEW ALBANY, INDIANA, WILL HOLD A REGULAR COUNCIL MEETING IN THE THIRD FLOOR ASSEMBLY ROOM OF THE CITY/COUNTY BUILDING ON MONDAY, MAY 5, 2008 AT 7:30 P.M.**

The meeting of the **New Albany City Council** was called to order by President Jeff Gahan at 7:31 p.m. The meeting opened with the Lords Prayer and the Pledge of Allegiance.

**MEMBERS PRESENT:** Council Members Mr. Coffey, Mr. Caesar, Mr. Price, Mr. McLaughlin, Mrs. Benedetti, Mr. Gonder, Mr. Messer, Mr. Zurschmiede and President Jeff Gahan.

**OTHERS:** Council Attorney Jerry Ulrich and City Clerk Marcey Wisman.

**ALSO:** Deputy Mayor Carl Malysz, Asst. Director of City Operations Matt Denison, John Rosenbarger and Scott Wood.

**APPROVAL OR CORRECTION OF THE FOLLOWING MINUTES:**

**Mr. Coffey moved to approve the April 17<sup>th</sup> meeting minutes, Mr. Caesar second, all voted in favor.**

**Mr. Coffey made a motion to amend the agenda to move the CF-1's forward on the agenda, Mr. Messer second, all voted in favor**

**APPROVAL OF CF-1 FORMS:**

S & H Properties, LLC, Compliance with Statement of Benefits, Referencing R-99-15 and R-00-48

**Mr. Coffey moved to approve, Mr. Messer second, all voted in favor.**

S & J Precision, Inc., Compliance with Statement of Benefits, Referencing R-05-48

**Table until next meeting**

Wood & Horrell, LLC, Compliance with Statement of Benefits, Referencing R-99-08

**Mr. Messer moved to approve, Mr. Benedetti second, all voted in favor.**

Carlisle Family, LLC./ Fire King, INC Compliance with Statement of Benefits, Referencing R-99-16 and R-99-17

**Mr. Messer moved to approve, Mr. Gonder second, all voted in favor.**

Hitachi Cable Indiana, Inc., Compliance with Statement of Benefits, Referencing R-06-36, R-05-46, R-05-47 and R-07-26

**Tabled to next meeting**

JVB Investors (Jesse Ballew), Compliance with Statement of Benefits, Referencing R-00-30A and R-00-30B

**Mr. Messer moved to approve, Mr. Benedetti second, all voted in favor.**

Padgett, Inc., Compliance with Statement of Benefits, Referencing R-05-35

**Mr. Price moved to approve, Mr. Messer second, all voted in favor.**

John B. Shine/Samtec, Inc., Compliance with Statement of Benefits, Referencing R-06-11

**Mr. Messer moved to approve, Mr. McLaughlin second, all voted in favor.**

## COMMUNICATIONS – PUBLIC:

**Jeff Roudenbush**, discussed issues regarding Z-08-02. He stated that there was someone at the last meeting that he said they didn't like to go against the recommendation of the Plan Commission but there has to be some respect for entrepreneurs when they look at these items. He stated that maybe the members on the commission sent these items to the council to determine because they were unsure of whether or not they wanted to pass it and wanted it to go to the higher body for a final decision. He also commented on the issue of novelty lighters and the absurdity of having to pass a law regarding this.

**Bob Dusch** referred to Z-08-08 and stated that the plan commission turned this down at the last meeting and he would like for it to be turned down for many reasons. He explained that one of his problems was that there has not been a traffic study in this area since 1999, and he knows the problems that they have on that road because he drives it every day. He discussed other issues that he and his neighbors have with this development such as the fact that there are more than two cuts which was prohibited by the zoning board.

**Mr. Price** stated that in order to save some time he will be tabling the pawn shop and the Charlestown Road ordinance tonight. He stated he doesn't want to prevent anyone from speaking but wanted to let them know that these items would be tabled.

**Mr. Lloyd Wimp**, 1834 E. Spring Street, he spoke in approval of the Resolution to purchase the equipment for the Fire Department, Police Department and the Street Department. He stated that these people are doing their best to be safe and keep the City clean and the council needs to give them the tools that they need to do this.

**Gary Whacker**, again spoke out against the PUD for Go for Less, Inc. He stated that he wanted to express his appreciation to the 5 council members that voted against this issue because they are not chasing this person out of town but they need to reserve that area for industrial businesses.

## COMMUNICATIONS – CITY OFFICIALS:

**Jack Messer** stated that they have made progress on the redistricting ordinance. They have two more meetings scheduled this month and hopefully they will have something to bring back to the Council at the June 2<sup>nd</sup> meeting.

**Roger Jeffers** presented information regarding financials for Camille Wright which is on file with the City Clerk’s office. He stated that in 2007 it cost twice as much to operate the pool than they brought in. He stated that it cost about \$40,000 to \$50,000 just to repaint the pool. He stated that the pool is 51 years old and the pump room is very unsafe as well as the fact that the wall on the deep end of the pool may cave in and he would hate to have that happen when there are children in the water.

**Mr. Coffey** stated that there was money that was ear-marked for the pool and he doesn’t want the parks department to use this money in any other area.

**Mr. Jeffers** stated that he understands his concerns but the money isn’t going to be spent on anything else.

**There was a lengthy discussion regarding the future of a public pool in the City of New Albany.**

**COMMUNICATIONS – MAYOR**

**Mr. Malysz** spoke on behalf of the Mayor due to the rally for Senator Hillary Clinton down at the fire house. He informed the board that representatives from Insulated Roofing are available to answer any questions they may have and the administration supports this issue. He then discussed the fact that they have been working on the street paving and thoroughfare plan and stated that it should be ready to present at the next meeting. He then discussed the Resolution for the purchase of city equipment which they heard issues on earlier at the 6:00 p.m. work session with the Fire, Police and Street department heads. He stated that the Mayor endorses this resolution and Mrs. Garry has informed him that even with this expenditure out of the Riverboat Fund there will be an addition \$1.5 million over and above this request. Regarding the zoning issues on Mt. Tabor Road; violation letters have been sent out to the businesses that are not in compliance with the code. He also discussed the ordinance to increase the fees for Tax Abatements and using the increasing revenue for economic development.

**APPOINTMENTS:**

**INTRODUCTION OF ORDINANCES AND RESOLUTIONS:                      READING**

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| R-08-16 | Resolution Concerning Statement of Benefits for Insulated Roofing Contractors, Inc., by the Common Council of the City of New Albany | Price |
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**Mr. Price moved for the reading of R-08-16, Mr. Caesar second, all voted in favor**

**Mr. Melvin Stumler**, owner of Insulated Roofing Contractors, presented information regarding the revenue that his business will bring into the area. He is working with Flint Ink regarding a purchase agreement for their building that has been empty for several years in the industrial park area. He explained that Flint Ink had thought about tearing down the existing building but they are going to remodel the building at a cost \$1.5 million and because of this they are requesting the tax abatement.

**Mr. Gonder** asked if most of the salaries would be located in Floyd County.

**Mr. Stumler** stated that they would all come to Indiana.

Mr. Messer asked what type of growth they were talking about for their company.

Mr. Stumler stated that they typical growth over the years has been 10 – 20 % each year.

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| R-08-17 | Resolution Requesting the New Albany/<br>Floyd County Building Authority to<br>Provide Safe Drinking Water | Gonder |
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Mr. Gonder moved for the reading of R-08-17, Mr. Messer second, all voted in favor

Mr. Price moved to amend the agenda to move Z-08-08 and Z-08-02 forward on the agenda, Mr. Messer second, all voted in favor

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| Z-08-08 | Ordinance Amending the Code of Ordinances of<br>New Albany, Indiana, Title XV, Chapter 156<br>(Docket P-04-08: Gary McCartin) | Price 1 |
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| Z-08-02 | Ordinance Amending the Code of Ordinances of<br>New Albany, Indiana, Title XV, Chapter 156<br>(Docket P-01-08: Go for Less, LLC) | Price 3 |
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Mr. Price tabled Z-08-08 and Z-08-02 until the last meeting in May.

Mr. Price stated that Z-08-02 will have to be read by the last meeting in May or they will go through by default and it will automatically fail. He explained that the only reason he is tabling this is because the lawyer wanted to have one last meeting with them and he couldn’t make it tonight.

Mr. Caesar moved to amend R-08-18 to three resolutions rather than one so that they can vote on the purchases of the ten police cars, the street sweeper and the Fire Department communications system separately, Mr. Coffey second, all voted in favor.

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| R-08-18 | Resolution to Fund the Purchase of Ten Police<br>Cars. | Caesar |
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Mr. Caesar moved for the reading of R-08-18, Mr. Coffey second, all voted in favor.

Mr. Messer stated that they may need an additional amount of money to have these cars striped so they may want to increase the amount to \$300,000 so that the chief doesn’t have to come back and ask for more.

Chief Crabtree stated that he would like to purchase 4 additional light bars for the cars.

Mr. Price stated that he has talked to both the police chief and Mr. Malysz regarding the distance that these cars are going outside of the City. If the issue for the Insurance Company is the number of miles he doesn’t understand why they aren’t being pro-active with take home cars.

**Mr. Malysz** stated that he understands the point that Mr. Price is making and he has discussed this with Chief Crabtree. He stated that they are talking about two separate issues, an aging fleet and the policy on take home cars. He stated that they will be setting a policy but that is going to take some time to get that into place so he would suggest getting the cars at this time and then they will work on the policy.

**Mr. Coffey** stated that they cannot wait a year for this policy to be put into place. He stated that he is going to vote for this because he knows the need them but they have to get a policy into place.

**Mr. Malysz** started that the administration and the Police Chief agree with him 100%

R-08-20          Resolution to Fund the Purchase of Two Street Sweepers

**Mr. Caesar moved for the reading of R-08-20, Mr. Messer second, all voted in favor.**

**Mr. Thompson** stated that they have presented them with three different options that include either buying one outright, buying two outright or an option to lease three.

**Mr. Zurschmiede** stated that he has heard nothing but problems regarding the street sweepers and he asked if it would be more efficient to lease these rather than to buy them.

**Mr. Thompson** stated that would be his suggestion as well but it would probably come down to a bid issue because of price.

**Mr. Caesar** stated that the best option is the 5 year lease with the maintenance warranty

**There was a lengthy discussion regarding the best option for the attainment of the street sweepers.**

**Mr. Malysz** explained that ultimately it is the board of works decision whether or not to go with a lease or purchase.

**Mr. Coffey** stated that he would be more comfortable with the lease option because it takes them out of the maintenance cost, but he would like for the resolution to read to purchase or lease.

**Mr. Caesar amended the resolution to state to purchase or lease, Mr. Price second, all voted in favor.**

**Mr. Messer** stated that for clarification he would prefer that the Board of Works lean towards the leasing option just because of the maintenance on this issue.

**Mr. Malysz** stated that he would convey that to the rest of the board.

**Mr. Zurschmiede** stated that based on what he heard if they go with the leasing option they will not spend the entire \$150,000 this year so he would like someone to report back what decision is made as well as on the amount of funds left over.

R-08-21          Resolution to Fund the Purchase of New Fire Department  
Communications System from Riverboat Funds

**Mr. Caesar moved for the reading of R-08-21, Mr. Messer second, all voted in favor.**

**Mrs. Benedetti** stated that she has been working with Chief Juliot and he is working on getting a grant from federal government and he has assured her that when this money comes through he will apply it back to this fund.

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| R-08-19 | Resolution for the Establishment of a New Albany<br>Municipal Utilities Change Fund | Coffey |
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**Mr. Coffey moved for the reading of R-08-19, Mr. Price second, all voted in favor**

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| G-08-04 | An Ordinance Amending the New Albany Municipal<br>Code by Adding New Section 94.30; providing for<br>Restrictions on Novelty Lighters | Benedetti 1 |
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**Mrs. Benedetti moved for the first reading of G-08-04, Mr. Coffey second, all voted in favor.**

**Mrs. Benedetti** stated that there has been a similar ordinance in Jeffersonville and Clarksville. However, their ordinances are very strict and they have made amendments to this so that it does not restrict completely but that they have to be 18 to buy the lighters, not to be displayed with other toys, display must be 48 inches off the ground. If they are being sold in an establishment that restricts the age of those attending then the display restrictions do not apply. The fine is \$250 that would go into a non-reverting fund.

**Mr. Zurschmiede** stated that this is only for novelty lighters so a child could technically go in and just buy a regular lighter because this ordinance doesn't cover regular lighters.

**Mrs. Benedetti** stated that this is for all lighters not just novelty lighters.

**Mr. Zurschmiede** stated that they might look this over before the next two readings because it doesn't seem to him that this covers a regular bic lighter.

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| G-08-07 | An Ordinance Concerning Public and Private<br>Agreements | McLaughlin 1 |
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**Mr. McLaughlin moved for the first reading of G-08-07, Mr. Coffey second, all voted in favor.**

**Mr. Coffey** asked for a full reading and if anyone would have a problem with three readings tonight.

**Mr. Messer** stated that he does not think that is a good idea because they will be setting precedence and he doesn't see any problem with this being passed in the regular fashion.

**Mr. Gonder had an emergency and had to leave at 9:15 p.m.**

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| G-08-08 | An Ordinance to Amend Fees for Property<br>Tax Abatements | Price 1 |
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**Mr. Price moved for the first reading of G-08-08, Mr. Coffey second, all voted in favor.**

**Mr. Price** asked if it could be added that the abatements on equipment be for 5 years.

**Mr. Malysz** stated that the state statute provides that on equipment they can make that decision for any number of years.

**Mr. Gahan** stated that this could be something that they decide as each one comes up.

**Mr. Malysz** stated that if there was any policy terms that went above and beyond then they could do that but his reservation with that would be if something came along that they really wanted to go through they would have to amend their own ordinance.

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| Z-08-05 | An Ordinance For the Vacation of An Existing Utility Easement pursuant to a Petition Filed By Hickoryvale Mini Storage, LLC | Messer 1 |
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**Mr. Messer moved for the first reading of Z-08-05, Mr. Coffey second, all voted in favor with the exception of Mr. Zurschmiede who abstained.**

**Mr. Zurschmiede** disclosed for the record that he is partial owner in this business.

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| Z-08-06 | Ordinance Amending the Code of Ordinances of New Albany, Indiana, Title XV, Chapter 156 (Docket P-07-08: Sea Star Companies) | Price 1 |
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**This item was withdrawn**

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| Z-08-07 | Ordinance Amending the Code of Ordinances of New Albany, Indiana, Title XV, Chapter 156, (Docket P-09-08: Eagle Development) | Zurschmiede 1 |
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**Mr. Zurschmiede moved for the first reading of Z-08-07, Mr. Coffey second, all voted in favor.**

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| G-08-06 | An Ordinance Establishing Public Health Safeguards for Food Establishments and Bed and Breakfasts In Floyd County, Indiana | Caesar 2&3 |
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**Mr. Caesar moved for the second and third reading of G-08-06, Mr. Messer second, all voted in favor. Bill G-08-06 became ordinance G-08-14.**

**MISCELLANIOUS ITEMS:**

**Mr. Messer** asked Mr. McLaughlin whether or not he was going to bring the L&D Mailmasters issue back up.

**Mr. McLaughlin** stated that he still had some concerns that he wanted to discuss with Mr. Malysz.

**Jeff Roudenbush** made an announcement that this Saturday is the National Food Drive and residents can put out cans of food for their mail carriers to pick up and all the food goes to the Salvation Army Food Bank.

**Mr. Coffey** asked the Chief to come forward to address an issue that he would like for the council to do something about. He stated that he was in a gas station and they sell from behind the counter glass roses and brillo pads and people are using them to smoke crack.

**Chief Crabtree** stated that in the situation that he described they would have to have something behind it like state statute or and ordinance to enforce it.

**There was a lengthy discussion regarding whether or not it could be enforced**

**Mr. Gahan** informed the council that Ms. Wisman maintains their website and anything that they want put on there they may want to get to the clerk's office. He stated that next week prior to the meeting they are going to have an opportunity to update that with a photo at 6:00PM.

**ADJOURN:**

**There being no further business to be heard, the meeting adjourned at 9:32 p.m.**

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Jeff Gahan, President  
Common Council, City of New Albany

ATTEST: \_\_\_\_\_  
Marcey Wisman, City Clerk